IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1367 of 2001 (M/B)
(Old No.47237 of 2000)

Rohil Leather Products (Pvt.) Ltd.,
Sarwar Khera, Jaspur Road,
Tehsil Kashipur, District Udham Singh Nagar,
Through its Managing Director & another. …… Petitioners

Versus

Collector,
Udham Singh Nagar & others. ……. Respondents

Mr. Anurag Bisaria, learned counsel on behalf of the petitioners.
Mr. J.P. Joshi, learned Standing Counsel on behalf of the State.
Mr. Naresh Pant, learned counsel on behalf of U.P.F.C.

Coram:Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard learned counsel for the parties.

2. From the Statements made before us by the parties and their counsel, it is apparent that this dispute has got nothing to do with the Uttar Pradesh Financial Corporation because the Uttar Pradesh Financial Corporation has already taken the possession of the petitioners' factory, machinery etc. for recovering the loan given by it to the petitioners. The said factory, machinery etc hays already been sold out. The Uttar Pradesh Financial Corporation, therefore, is an unnecessary party and is deleted.

3. The dispute lies only with the District Industries Centre, which had provided the margin money of Rs. 1,00,000/- to the petitioners. According to Mr. J.P. Joshi, learned Standing Counsel, the citation has already gone back on 27.1.2000 because no proper dimensions and the demarcations were given of the land, which was to be auctioned in pursuance thereof. Therefore, there will be no question of considering the writ petition also. In the meantime, however, there is a proposal by the District Industries Centre that there is a one-time settlement scheme and that if the petitioners want to avail of that

scheme, the petitioners should approach. According to the learned counsel, the petitioners had already approached and the talks are going on.

4. In that view, the petitioners may settle their dispute on the basis of that one-time settlement scheme, of which the petitioners have already availed of. If this is the position, there is no reason for us to proceed with this writ petition. Accordingly, the writ petition is disposed of as infructuous.

(Irshad Hussain, J.)
12.10.2004

(V.S. Sirpurkar, C.J.)
12.10.2004

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